

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:)	Docket No. 99-AFC-2
)	
Application for Certification for)	
The Three Mountain Power Project)	
)	
_____)	

Staff Comments on the Presiding Members Proposed Decision

On April 13, 2001 the Committee issued the Presiding Member's Proposed Decision (PMPD) for the Three Mountain Power Project and requested that staff file written comments by April 24, 2001. Staff has identified no substantive issues with the PMPD, but provides the following minor comments on the PMPD. Staff believes that all of these changes can be adopted by the full Commission and will not require the Presiding Member to issue a revised PMPD.

Facility Design

On page 45, first paragraph, in line four, replace "at the time construction actually begins" with "at the time initial designs are submitted for review".

Power Plant Efficiency

On page 69, paragraph numbered 2., in line three, replace "Highway 199" with

On page 70, second complete paragraph, line seven should be modified as follows: "Although ~~both~~ the G-Class ...".

On page 70, in second complete paragraph, in line eight, replace "their new technologies" with "this new technology".

Transmission System Engineering

On page 85 under heading "System Reliability", the second sentence should be modified as follows:

~~"Cal-ISO PG&E will provide transmission service to the project. Cal-ISO will be as well as being the agency responsible for maintaining reliability of PG&E's interconnected their controlled grid."~~

On page 89, item #2 under heading "Findings and Conclusions", should be modified as

- "2. The project's ~~single double~~-circuit overhead line from the power plant switchyard to the PG&E switchyard will provide 530 MW of transfer capability.

Biological Resources

(*Pacifastacus fortis*) barrier

study)." to crayfish (*Pacifastacus fortis*) barrier study."

On page 217, items 9, 10, and 11 should be combined as follows:

- "9. Applicant's habitat compensation package is consistent with the U.S. Fish and Wildlife Service (USFWS) requirements for impacts to listed species habitat. To the extent feasible, Applicant will implement measures to avoid sensitive biological resources."

On page 217, item 12 should be renumbered to 10, and the comma at the end of the item should be replaced with a period, as follows:

- "10. Applicant has obtained a Section 7 Biological Opinion from the USFWS."

Soil and Water Resources

On page 202, first paragraph, the third sentence, beginning "Confirmed or potential

On page 230, in the first sentence change "Ccertification" to "Certification".

On pages 232 through 236 the Committee discusses hydrology. Staff notes that the Committee discussion of hydrology does not completely reflect the difference between staff analysis and the applicant's analysis. Staff offers the following comments on pages 233 through 234 to clarify these differences. On Page 233, in the second paragraph, in the first sentence, strike the first sentence and modify the second sentence as follows:

~~"All groundwater resources in the vicinity of the Project are within the Burney Groundwater Basin. To understand these groundwater conditions of Burney Basin, however,~~ it is also important to understand the groundwater flow system in the Hat Creek Basin to the east and south of the Burney Basin."

On page 233, preceding the last full sentence on the page, the following sentence should be inserted:

“The Burney aquifer may also be recharged by groundwater underflow from the Hat Creek basin (Ex. 65 pp. 70).”

On page 233, the sentence on the last line (which continues on page 234), should read:

The applicant believes that the Burney basalt aquifer is separated from the Hat Creek basalt aquifer to the east by older Pliocene basalt deposits (e.g., outcrops at Brush Mountain) and by a groundwater divide.

On page 234, following the first carryover paragraph, the following paragraph should be added:

“In contrast to the Applicant, staff believes that the geologic, isotopic and hydrologic evidence indicates that it is possible that groundwater does flow between Hat Creek Basin and Burney Basin. It is generally agreed that the topographic divide between the two basins is low and poorly defined with no geologic barrier to groundwater flow, except for Brush Mountain. Staff believes that the evidence of groundwater inflow from the Hat Creek to Burney Basin is indicated by the isotopic spring and groundwater studies conducted by Dr. Rose. Staff concluded that the groundwater measurements, collected by the Applicant and Dr. Fox, indicate that groundwater gradients could cause inflow to Burney Basin from Hat Creek Basin, south of Brush Mountain, and outflow from Burney Basin to Hat Creek Basin, north of Brush Mountain. Based on this analysis staff concluded that it is possible that a connection between the two basins south of Brush Mountain exists, which could be significant since groundwater flow in this area feeds Crystal Lake springs and could affect the Shasta Crayfish. (Ex. 65, pp. 70, 87-88, and 119-122) Both Staff and Three Mountain Power believe that their respective analyses are technically sound; however, both parties agree that there is some inherent uncertainty in any predictive analyses of future hydrological impacts due to the nature of the analyses. Such uncertainty therefore supports a finding that it is appropriate to require funding for mitigation measures that address the overall potential cumulative impact on biological resources. (Ex. 79, pp. 2)”

On page 234, first full paragraph, sentence 4 should read:

“All of the surface water and groundwater from the Burney Aquifer that is not consumed by natural evapotranspiration and human uses (municipal, industrial, agricultural) appears to discharges from the basin through falls and springs at the north end and eastern side of the basin.”

On page 234, in the first full paragraph, revise the last sentence and add a new sentence as follows:

“This difference of opinion is not important to our Decision regarding impacts to Burney Falls because contribution from the Hat Creek Basin, is-if such exists,

On page 243, in the third sentence, replace: “product” with “produced”

On page 245, under “c. *cumulative impacts*”, the fifth sentence should be modified as follows:

“TMPP's water consumption would initially be about 600 acre-feet per year, increasing to 680 acre-feet with the BMP water-sharing agreement, increasing to about 980 ~~900~~ acre-feet per year when recycled water becomes available, and

increasing to a maximum of about 1,180 ~~1,100~~ acre-feet per year if the wastewater treatment plant operated at maximum capacity.”

On page 246, the last sentence should be modified as follows:

“The relative lack of information on the apparent complexity of the flow paths within the aquifer, the relative lack of long-term information on spring flows, and the relative lack of information on the response of the aquifer and springs to drought conditions, led Staff to provide an *approximate* range of potential reductions in flow to ~~small~~-springs, including the smaller springs and Crystal Lake springs, that *could* be caused by human consumption and project consumption of water, as shown in Soil&Water Table 15.”

On page 261, condition Soil & Water 11, the first sentence should be modified as follows:

“After the CPM’s approval of the well interference report and no later than 60 days prior to the start of commercial operation of the project, the project owner shall pay an amount equal to the Well Interference Mitigation Escrow Amount (as defined below) to the CPM or to the CPM approved organization or agency.”

On page 266, fifth bullet, in the first sentence (third line from the bottom of the page), delete the word “therefor.”

Cultural Resources

On page 278, condition Cul-1, second paragraph of the verification, the first sentence should be modified as follows: “At least ten days, ...”

On page 278, condition Cul-2, first paragraph, in the next-to-last sentence delete the second period.

Geology and Paleontology

On page 296, in the second paragraph, delete the fourth sentence: “~~The soil unit at the proposed power plant expansion site is the Kimberlina Fine Sandy Loam.~~”

On page 297, in the second paragraph, delete the last sentence that reads: “~~_____ say more definitively than that.~~”

On page 298, delete item six that reads: “~~6. Fault rupture may cause extensive damage to buried pipelines within a few hundred feet of the rupture.~~” and renumber the remaining items 7 through 12, as 6 through 11 on pages 298 and 299.

On page 299, condition Geo-1 verification, the third sentence should be modified as follows:

On page 343, paragraph numbered a., in line nine, replace “**NOISE-6**” with “**NOISE-7**”

On page 346, first paragraph, in line six, replace “remembered” with “renumbered”

On page 346, first paragraph, in line ten, replace “to require quarterly noise surveys for the first. . .” with “to require multiple noise surveys during the first. . .”

On page 348, in Condition of Certification **NOISE-3**: change “**Noise-3**” to “**NOISE-3**”

Date: April 24, 2001

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